



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
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TRENTON, NJ 08625-0716

NATASHA JOHNSON
Director

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 18347-18 L.C.

AGENCY DKT. NO. C136311007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she has exhausted her lifetime limit of EA benefits, plus all available extreme hardship extensions, and that she has exhausted her 60 cumulative days of shelter placement allowable under the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 2, and continued on January 3, 2019, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 4, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT WITH CONTINGENCIES the ALJ's Initial Decision, and REVERSE the Agency's determination.

Only WFNJ cash assistance recipients and Supplemental Security Income ("SSI") recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, based on the testimony and evidence presented, I agree with the ALJ's conclusion that Petitioner is eligible for EA benefits, except for the fact that it appears from the record that Petitioner is not presently receiving WFNJ benefits, as the approval of her application for said benefits is pending. See Initial Decision at 4; see also GAAS Payment History. Therefore, I find Petitioner eligible for EA benefits contingent upon her first being approved for receipt of continued WFNJ/GA benefits. See N.J.A.C. 10:90-6.2(a). Accordingly, the Agency is directed to determine Petitioner's eligibility for continued WFNJ/GA benefits on an expedited basis, if it has not already done so. Further, Petitioner is advised that should the Agency deny her WFNJ/GA benefits, she may request another fair hearing on that issue.



Accordingly, the Initial Decision is hereby ADOPTED WITH CONTINGENCIES, and the Agency's action is REVERSED.

Officially approved final version.

Natasha Johnson
Director

JAN 10 2019

